

APR 28 1993

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of ) MM DOCKET NO. 93-53  
 )  
KR PARTNERS ) File No. BPH-911001MB  
 )  
KES COMMUNICATIONS, INC. ) File No. BPH 911003MH  
 )  
LORI LYNN FORBES ) File No. BPH-911004MH  
 )  
For a Construction Permit for a )  
New FM Station on Channel 256C )  
at Waimea, Hawaii )

To: Administrative Law Judge  
Joseph P. Gonzalez

**MASS MEDIA BUREAU'S COMMENTS IN SUPPORT OF  
MOTION TO ENLARGE ISSUES**

1. On April 15, 1993, KR Partners ("KR") filed a "Motion to Enlarge Issues Against Lori Lynn Forbes" ("Motion"). The Mass Media Bureau supports the addition of the requested issues for the following reasons.

2. KR seeks the addition of city grade coverage and related issues against Lori Lynn Forbes ("Forbes"). In support, KR alleges that a severe terrain obstruction in the nature of a tall mountain ridge, previously undisclosed by Forbes, exists between Forbes' proposed transmitter and the community of


Commission's Rules requires each station to place a signal with a minimum field strength of 70 dBu (3.16 mV/m) over the proposed community of license.


3. The Bureau notes that KR did not submit the 7 1/2 minute topographic map that it used to prepare the terrain profile along the 37° radial between Forbes' transmitter site and the community of Waimea. Nevertheless, the Bureau has independently examined the 7 1/2 minute topographic map contained in Forbes' application. That examination indeed reveals the existence of a tall ridge which is approximately 26 meters higher than the center of radiation of Forbes' antenna and is directly between Forbes' tower and the community of Waimea.

4. KR does not provide a sample of its calculations of Forbes' field strength over the community of license, as required by § 73.313(e) of the Commission's Rules. Therefore, the Bureau is unable to confirm KR's predictions. However, based on the height of the ridge and its position relative to Forbes' transmitting antenna and the community of Waimea, the Bureau submits that KR has indeed raised a substantial and material question requiring further exploration at hearing as to whether Forbes' proposed station complies with § 73.315 of the Commission's Rules. See also 1.229 of the Commission's Rules.

5. Accordingly, the Bureau supports the addition of city-grade coverage and related issues against Forbes.

Respectfully submitted,  
Roy J. Stewart  
Chief, Mass Media Bureau

  
Charles E. Dziedzic  
Chief, Hearing Branch

  
Gary P. Schonman  
Attorney  
Mass Media Bureau

Federal Communications Commission  
2025 M Street, N.W.  
Suite 7212  
Washington, D.C. 20554  
(202) 632-6402

April 28, 1993

**CERTIFICATE OF SERVICE**

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 28th day of April 1993, sent by regular United States mail, U.S. Government frank, copies of the foregoing, **"Mass Media Bureau's Comments in Support of Motion to Enlarge Issues"** to:

Mark Van Bergh, Esq.  
Waysdorf & Van Bergh  
1000 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Counsel for KR Partners

Cary S. Tepper, Esq.  
Meyer, Faller, Weisman & Rosenberg  
4400 Jenifer Street, N.W.  
Suite 380  
Washington, D.C. 20015  
Counsel for KES Communications, Inc.

Dan J. Alpert, Esq.  
1250 Connecticut Avenue, N.W.  
7th Floor  
Washington, D.C. 20036  
Counsel for Lori Lynn Forbes

Michelle C. Mebane  
Michelle C. Mebane